

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
)	NO. 05-CR-10102 JLT
)	
v.)	
)	
JOHN BRUENS, MARY STEWART,)	
MELISSA VAUGHN, and)	
MARC SIROCKMAN)	
)	
Defendants.)	

**DEFENDANTS JOHN BRUENS, MARY STEWART, AND MARC SIROCKMAN'S
FED. R. CRIM. P. 29 MOTION FOR JUDGMENT OF ACQUITTAL
ON COUNT 5 OF THE INDICTMENT**

Pursuant to Rule 29 of the Federal Rules of Criminal Procedure, Defendants John Bruens, Mary Stewart, and Marc Sirockman hereby move this Court to enter a judgment of acquittal on Count 5 of the Indictment because the Government has failed to demonstrate that Dr. Corazon was offered a trip to Cannes in exchange for writing prescriptions for Serostim, as neither Dr. Corazon nor any sales representative testified about any offer having been made to Dr. Corazon. A detailed memorandum of law in support of this motion will be filed separately.

WHEREFORE, for the foregoing reasons, and those described in the accompanying Memorandum of Law, Defendants Bruens, Stewart, and Sirockman respectfully request that this Court enter a judgment of acquittal on Count 5.

REQUEST FOR ORAL ARGUMENT

Defendants Bruens, Stewart, and Sirockman also hereby request that their counsel be heard at oral argument regarding this Motion for Judgment of Acquittal and accompanying Memorandum of Law.

Respectfully submitted,

**JOHN BRUENS, MARY STEWART,
and MARC SIROCKMAN,**

By their undersigned attorneys.

/s/ McKenzie E. Webster
Tracy A. Miner
McKenzie E. Webster
Counsel for Marc Sirockman

/s/ Thomas McC. Souther
Thomas McC. Souther
Counsel for John Bruens

/s/ Mark. A. Berman
Mark A. Berman
Counsel for Mary Stewart

Dated: May 1, 2007

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing motion was filed electronically in compliance with ECF procedures on this 1st day of May 2007.

/s/ McKenzie Webster